

The best salesmen do not "sell a thing"—they persuade him to buy. That's the difference between an advertisement and a sales talk. You should so present your proposition that when the consumer comes to you he will think he is doing it because of his own cleverness and good judgment.—Makin Messenger.

# THE SALT LAKE HERALD

SALT LAKE CITY, UTAH, TUESDAY, JANUARY 26, 1909 12 PAGES. Price, 5 Cents.

Theorists live too much in tomorrow; practical men in today. The world couldn't advance under either regime singly. What is needed is a little of tomorrow put to the test today.—Makin Messenger.

## INJUNCTION REPEELED BY JUDGE HUNT

No Damages Awarded Deer Lodge Farmers Who Sought to Close Washoe Smelter.

DECISION IN FAMOUS MONTANA SMOKE CASE

FURTHER TESTIMONY ASKED AND EFFORT WILL BE MADE TO DESTROY THE FUMES.

Helena, Mont., Jan. 25.—Judge Hunt handed down a decision in the famous smoke case today, in which he denies the application of farmers for the closure of the Washoe smelter at Anaconda, and no damages are awarded to the farmers whose property is alleged to have been damaged. The court will make a further investigation as to the alleged dissemination of arsenic, and if conditions can be improved this will be ordered done by the company.

### Opinion of the Court.

In concluding his opinion, Judge Hunt says: "Finally, though in the first analysis, when in connection with the attitude of Mr. Bliss, the complainant in behalf of the Deer Lodge valley farmers, direct and vicarious, we weigh the uncertainty of his proof as to the amount of past damages done to his land, or of future damages to be done to his pastures by the acts of these defendants, together with the fact that he has not resorted to a court of law to recover any damages at all, and balance these matters against the stern fact that if the defendants are enjoined as prayed for, they must either buy the lands of the farmers at their own prices, or sacrifice their property; that, if enjoined as prayed for, their smelter must close; that if it does close their business and great property will be practically ruined; that a major part of the sulphide copper ores of Butte cannot be treated elsewhere within this state; that thousands of defendants' employees will have to be discharged; that the cities of Anaconda and Butte will be injured irreparably by the general effect upon internal commerce and business of all kinds; that professional men, banks, business men, working people, hotels, stores and the general community will be vitally affected as to cause unprecedented depression in the most populous part of the state; that the county government of one county of the state may not be able to exist; that the farmers of the valley adjacent to Butte and Anaconda will not have nearly as good markets as they have enjoyed; that the industry of smelting copper sulphide ores will be driven from the state; and that values of many kinds of property will either be practically destroyed or seriously injured—remembering always that under the evidence as he has submitted his case, discretion, wisely, imperatively guided by the spirit of justice, does not demand that injunction as prayed for should issue.

### Entitled to Relief.

"It does not necessarily follow, however, that his bill should be dismissed. This has been a litigation of over much expense, its consequences are of interest to many people and, keeping in mind the essential fact that animal health is being affected, if there can be any reasonable preventive remedy applied by a court of equity, every larger consideration demands that it should be; that is to say, notwithstanding the denial of the writ of injunction as prayed for, that which complainant has asked he is entitled to be awarded to him, he should have it by some form of judicial order. Equity, having jurisdiction of the parties and the subject matter, will therefore, retain the bill, in diligent effort to afford all the relief possible under its allegations. Where the defendant has a clear ultimate right to do the act sought to be enjoined upon certain possible conditions, the courts will endeavor to adjust their orders so on the one hand as to give to the complainants the substantial benefit of such conditions, while not restraining the defendant from the exercise of its ultimate rights.

### Corporation Was Fair.

"I am always deeply sensible, too, how especially important it is in the practical preservation of the equality of the law, that when a man of limited means seeks relief against a corporation or individual of very great wealth, his property rights must be protected with scrupulous care against threatened or continued unlawful encroachments without unnecessarily forcing him into litigation so expensively or protracted that it often means impoverishment or denial of substantial justice. Let it not be understood in saying this I mean to imply that the defendants herein have assumed any unfair attitude toward Mr. Bliss or others in the Deer Lodge valley; on the contrary as the case is submitted, it appears that they were ready to treat with him and other land owners, and were willing to buy his land, and consider claims of injury, but their advances were checked by Mr. Bliss' refusal to be bound by the ultimatum of March 4, 1905, from the association. Nevertheless, the court will not peremptorily turn the

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## ONE MORE MINE HORROR

Pittsburg, Jan. 25.—While Superintendent Logan and a party of miners were investigating conditions in the coal mine of the Merchants' Coal company at Boswell, today a gas explosion occurred which has already cost the life of one man and may result in the death of a dozen more.

Superintendent Logan, accompanied by Mine Boss Norris, Pit Boss John Cole and eleven miners, had begun an investigation and were nearly a mile back in the mine when the explosion occurred. The mine caved in and the passage was completely blocked, with ten men back of the obstructions. Three miners, badly injured and unconscious, were found and carried out. Rescue parties are trying to rescue Norris, Cole and eight other miners whose fate is uncertain.

## PASSENGERS AND CREWS SAFE FROM THE OCEAN

Baltic and Florida Reach Port After the Disaster off Nantucket Shoals.

LINER REPUBLIC AT BOTTOM OF THE SEA

PASSENGERS HAVE WORDS OF PRAISE FOR OFFICERS AND MEN OF THE VESSELS.

New York, Jan. 25.—Less than seventy-two hours after the crash between the ocean liners Republic and Florida, off the Nantucket shoals, which eventually sent the one to the bottom and reduced the other to a state of staggering helplessness, the survivors of this thrilling deep-sea tragedy have found a haven at last.

At nightfall tonight, 1650 passengers from the two vessels were safe in this port, brought here by the Baltic, while the Republic was the battered Florida, aboard which her crew had remained throughout her trying experiences.

### Republic Finally Went Down.

Only the ill-fated Republic was wanting to complete the list. And she, too, was in port—her last port of call, what will doubtless prove her final resting place beneath thirty-eight fathoms of water, fifteen miles south of the Nantucket south shoals lightship. It begins to be apparent that the last three days have witnessed what is beyond question the most remarkable series of happenings in the history of modern navigation.

### Cheered by Thousands.

No argosy of the olden days bringing golden treasure home was ever more heartily welcomed. Frenzied cheers from thousands at the pier greeted her arrival.

Following the Baltic up the harbor was the liner Florida, battered almost to the sinking point herself by the force of the blow she dealt the Republic, and bearing the bodies of her own three dead and the injured members of her crew. The Republic's passengers told graphic tales of the crash, of the excitement on board, of the bravery of the officers, the good behavior of the crew and of the efficient work of rescue.

### Something Went Wrong.

There are two versions of what happened on the bridge of the Florida when the Republic loomed up in front of her through the morning fog. Little could be learned from Captain Rospihl. According to others who had been on board the Florida, however, something went wrong with the Florida's steering wheel when the collision was imminent. One story had it that a quartermaster had the wheel when the commander yelled for it to be jammed to starboard. He put it to port instead, and the liners crashed into each other.

### Felled With Iron Spike.

Another version is that the man dropped his wheel in a panic when danger impended. Both versions agree that the commander felled the quartermaster with an iron spike following what he must have considered the seaman's treachery. An injured quartermaster from the Florida was brought to port on the Baltic today. He stoutly asserted that he was not at the wheel when the accident occurred.

### Presumably not until the commanders have made their formal statements will the actual facts be known. Possibly a marine court will be needed to determine them.

### Heroic to the Last.

Standing out prominently is the conduct of Captain Seably of the Republic, who, true to the best traditions of the sea, kept his ship beneath him as long as there was enough of her afloat to afford him a foothold. And practically the last act of his life was to assist from the starting of an incipient panic among the steerage passengers on the Florida, the crews and passengers of both ships kept their heads well in the midst of the most trying conditions.

### Survivors had warm words of commendation for the officers and men of the Florida, who worked like heroes with their own ship in a sad state to tow the passengers from the worse damaged Republic to comparative safety on board the Italian vessel.

### Towed Into Port.

When the Florida passed up the harbor late today she looked every part of the ocean battering ram she had played. Flying the signal, "not under control," she was guided up the bay by two tugs. Her bows were crumpled up and twisted for a distance of fully thirty feet. Her forepeak was full of water.

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The Dilemma of the Water Wagon Recruit.

## MONEY WASTED SAYS MACBETH

Idaho State Senator Wants to Investigate Expenditures on New Capitol Building.

(Special to The Herald.)

Boise, Jan. 25.—Charging gross extravagance in the expenditure of state funds for the erection of the new capitol building, now in progress of erection in this city, Senator Macbeth of Custer county moved to investigate the charges made by him and all matters pertaining to the construction of the building and make a report to the upper house. On motion of Senator Hart, leader of the majority, the motion was referred to the committee on public lands and buildings. Senator Macbeth's motion was adopted by a vote of 10 to 8.

Macbeth's motion was adopted by a vote of 10 to 8. He charged that the building cost \$1,200,000 in excess of the estimate of the state of March, 1905. The fund of \$1,000,000 was exhausted, with bonds issued to the amount of \$200,000 in excess of the estimate of the state, in order to raise \$1,200,000, the balance of the building fund. Macbeth claims that the present state lands for sale are worthless and that the people of the state are overtaxed.

## THREATENS TO KILL HER

Annie M. Friedel in Divorce Complaint Says Her Husband Has Vile Temper.

Annie M. Friedel yesterday added her complaint to the long list in the district court of those who complain of cruelty on the part of their husbands. This list has been growing rapidly during the past few weeks, and there is a remarkable similarity in their troubles. Mrs. Friedel says that her husband, Albert Friedel, has threatened to kill her, and she fears that he will do so. He has such a vile temper, she alleges, that he frequently resorts to abusive and profane language, and she fears that unless restrained by the order of the court he will carry out his threats against her and their child, a boy aged nine months, whom he has threatened he would take from her.

Specific mention is made of instances of ill treatment, twice being at Forest Dale, Christmas day last, when he threatened to kill both herself and child, and on the following day, when he repeated his threats on their lives. In November, 1907, at Randolph, she says he twice struck her with his elbow, knocking her down and otherwise injuring her. Besides all these, he has failed to provide necessary support, although well able to do so. She asks for \$30 alimony, the custody of the child, \$500 attorney's fees and the restoration of her maiden name. An affidavit is filed that she is now in destitute circumstances.

The Friedels were married at Salt Lake City, Jan. 12, 1907.

### NO LOCAL OPTION.

Majority of Members of Idaho Legislature Against Proposition.

(Special to The Herald.)

Boise, Jan. 25.—When the local option bill comes before the house today it will be referred back to the committee on judiciary and privileges and elections and the question of local option will be decided. The bill is based on the action of a caucus held tonight in which the Republicans of the house voted 10 to 8 in favor of the bill, and the conservatives, opposed to the local option bill, and possibly to local option in any form, are in the majority.

A permanent organization was formed. It is to be a close organization and the radicals will receive scant consideration.

## ALLEGED LEO FRAUD INQUIRY

Secret Service Men on Guard While Grand Jury Hold Sessions in Oklahoma.

Muskogee, Okla., Jan. 25.—With a view to obtaining a grand jury free from local influences in order to relieve possible embarrassment, the federal authorities have called men, with two exceptions, from outside of Muskogee to investigate the charges of conspiracy and fraud in connection with the holding of Muskogee town lots. It was discovered today that the various lists of names of "dummies" claiming alleged possessory rights to town lots are missing from the records of the townsite commission, which had charge of the appraisal, apportionment and scheduling of the lots.

This commission completed its work six years ago. It was composed of Dwight W. Tuttle of Connecticut, John Q. Adams and G. F. Marshall, both of Muskogee. The government attorneys say the disappearance of these lists will have little or no effect on the investigation. The sessions of the grand jury will be held in the federal jail with secret service men on guard as a precautionary measure.

## TO DETAIN BAD MAN IN CUSTODY

Richard Deming Being Tried for the Destruction of County Property.

Edward Deming, who has been a particular pal of Joe Sullivan, murderer of Patrolman Charles S. Ford, is now being tried before Judge T. D. Lewis of the district court on the charge of destroying county property, to lengthen his sentence, if possible. The authorities consider that he is too desperate a character to be at large.

A jury was chosen yesterday, consisting of John W. Andrews, William Beach, Frank Dawkins, Everett D. Burlingame, George H. Horne, William Kirkham and Willard Fletcher. The taking of evidence was commenced and adjournment made until this morning.

Deming, the complaint against him says, attempted to saw his way out of the county jail, Jan. 20, 1908, while awaiting his trial for highway robbery. Sullivan at that time was also in the county jail and waiting to be tried for murder. The attempt at escape was discovered by Turnkey Jack Corless. Deming afterwards made a statement at Sullivan's trial that the sheriff supplied him with the saw that he and Sullivan might attempt to escape. In which case the deputies could shoot Sullivan down and thus be well rid of him. James Ingabretsen and Soren X. Christensen are defending Deming, and the state is represented by Fred C. Lofsborg, district attorney.

## SENATOR TO ARGUE UTAH MINING CASE

(Special to The Herald.)

Washington, Jan. 25.—Senator-elect Charles J. Hughes of Colorado is here to argue for the plaintiff in the supreme court the case of the Mammoth Mining company vs. Grand Central Mining company of Utah and Colorado, which will be heard Wednesday.

### RESIGNATION OF ROOT.

Washington, Jan. 25.—Secretary of State Root has tendered to President Roosevelt his resignation, effective upon qualification of his successor.

Robert Bacon, whose nomination, along with that of J. C. O'Leighlin, to be assistant secretary of state in place of Mr. Bacon, went to the senate today.

## REJECTION OF RAILWAY RATES

Important Decision of Interstate Commerce Commission in Creamery Case.

Washington, Jan. 25.—One of the most important decisions by the interstate commerce commission for many months was handed down today, that body ordering material reduction of railroad rates in the cases of various creamery companies against the Illinois-Central and other railroad companies.

The commission sustained the contention of the complainants, who operate creameries, using the centralizer method, that the rates on cream to Chicago between Michigan points on the east and Colorado points on the west, are excessive. The centralizer method is distinguished from the local method in that creameries operating under the latter method purchase their cream by wagon instead of by rail.

Several associations claimed that the local creamery method of manufacture should be discouraged, and the centralizer method discouraged. The commission, however, held that the centralizer method affords to thousands of farmers the only satisfactory method of disposing of their milk, and that the commission's duty is to establish just transportation charges in so far as it can be done and allow both systems to operate under the same conditions.

The commission held that it should not establish a scale of rates with the purpose of fostering or discouraging either form of the creamery industry.

## KNOCKED OUT ONCE MORE

United States Circuit Court Dismisses Suit of Administrator of Durkee Estate.

San Francisco, Jan. 25.—An effort to reopen legal proceedings against the Southern Pacific Railroad company involving approximately \$500,000 was rendered fruitless today by the dismissal in the United States circuit court of the suit filed by John Kuykendall, administrator of the estate of Charles Durkee, to compel the railroad company to redeem \$900,000 worth of Union Pacific construction bonds purchased by the deceased while governor of the territory of Utah in 1885. Suit was dismissed on the ground that none of the parties to it were residents of this district. Kuykendall's action named the Central Pacific Railroad company, the Central Trust company of New York and the Farmers' Trust company of New York as co-defendants. Previous action of a similar nature was brought by Durkee shortly after his death in 1870, and judgment was rendered against Kuykendall. Recently he attempted to reopen the matter here. With accruing interest the total of the claim is \$500,000.

## TWO HOLDUPS LAST NIGHT

Same Men in Each Robbery and They Secure Good Watch and About \$6.

Last night two more hold-ups occurred in the eastern part of the city, the robbers securing for the work about \$6 and a gold watch.

Frank Steifel, living at 548 East Fourth South street, was held up as he was entering his front yard about half an hour later and robbed of 30 cents. Both robberies were committed by the same parties, whom the police believe to be professionals at the game. The men were armed with pistols with which they kept their victims cowed.

### REHEARING DENIED.

Washington, Jan. 25.—The petition of the Chicago & Alton railroad for a rehearing in the case in which that company and two of its officers were subjected to a fine of \$20,000 for granting rebates to Kansas City packers was today denied by the supreme court of the United States.

## PANAMA CANAL LABEL HEARING

More Subpoenas Issued in New York for Reporters on the World Staff.

MUCH MYSTERY REMAINS

EFFORT WILL BE MADE TO INDICT IN WASHINGTON.

Washington, Jan. 25.—When the federal grand jury which is investigating the alleged libel of the New York World and Indianapolis News, in connection with the purchase of the Panama canal adjourned at noon today until tomorrow, it had been in session for only one hour. Contrary to expectations no witnesses were heard today, but it is stated that several will be on hand tomorrow to complete certain phases of the investigation. Today's session was occupied with the reading to the jury of statements which appeared in the New York and Indianapolis papers upon which the alleged libels are based. The grand jury is not expected to make a return in the cases until early next month.

It was learned tonight that additional federal grand jury subpoenas have been issued for one or more men of the World's reportorial staff, calling for their appearance before the grand jury tomorrow.

In some quarters it is believed that the Washington investigation is ancillary to that being held here, and that the evidence obtained at the capital will be forwarded here.

### The Washington End.

Washington, Jan. 25.—With the end not yet in sight, the federal grand jury today resumed its examination of witnesses in connection with the alleged libels of the New York World and the Indianapolis News affecting the Panama canal purchase.

There now seems to be no doubt that an effort will be made to have the jury return one or more indictments here. It is believed that District Attorney Baker is hoping for such an outcome, because of the fact that he would have readily at hand during the trial all official documents bearing on the Panama canal negotiations and purchase.

### CONTEST FOR OFFICE.

Otherwise the Meeting of the Mine Workers is Peaceful.

Indianapolis, Jan. 25.—Internal strife, rather than a wage contest, is feared by the convention of the United Mine Workers of America, in session here. Only one wagescale for the presidency is to be negotiated, that of the mines of the three anthracite districts in Pennsylvania.

The organization is giving much attention to the dispute between the national administration and its opponents, headed by John Walker of Illinois, who is Mr. Lewis' rival for the presidency. The ballots cast last December are now being counted and the result may be announced tomorrow. If the contest is bitter, and charges of improper influence in the election have been made, the national convention may give Mr. Lewis a large majority. Mr. Walker's friends will attempt to have a sufficient number of votes thrown out to put the final decision before the convention.

Mr. Lewis' friends assert that his majority would be secured by the vote of the delegates and that they will be able successfully to defend the administration's cause.

### AGRICULTURAL BILL.

Measure Carries Appropriation for Dry Farm Experiments.

(Special to The Herald.)

Washington, Jan. 25.—The agricultural appropriation bill reported to the house today makes a total appropriation of \$1,636,300 for the forest service, which is \$750,000 more than appropriated for last year, but less than a half million more than asked for by Forester Pinchot. Of the amount appropriated, \$900,000 is for improvements in national forests. Among other items carried in the bill are the following:

Dry farm experiments, \$31,700; experiment farms under government irrigation projects, \$16,680; improving grazing lands, \$15,250; studying small and trout resistant crops, \$17,550; maintenance Montana bison range and other reservations for mammals and birds, \$7,600; experiment stations in Alaska, \$38,000; irrigation investigations, \$75,000; drainage investigations, \$31,100; studying sugar producing crops, \$21,300.

### SHORT IN HIS ACCOUNTS.

Postmaster at Searchlight, Nev., Blows Off Top of Head.

Reno, Nev., Jan. 25.—Following the arrival of an United States postal inspector, last Saturday, Postmaster J. W. Kennedy of Searchlight, Nev., blew off the top of his head with a revolver. A shortage of \$600 was discovered in his accounts.

Kennedy disappeared soon after the inspector had started in on his work, and was not seen again until the next morning, when a searching party that had been out all night discovered his dead body.

### PELTED WITH EGGS.

London, Jan. 25.—Mrs. Carrie Nathan, who is attempting to deliver a series of lectures here, met with a hostile reception at the Canterbury hall tonight. She was pelted with eggs, one of them striking her in the face. The audience maintained a chorus of hisses. Mrs. Nathan was obliged to leave the house under police protection.

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## HUNDREDS MEET GOV. SPRY AT THE INAUGURAL BALL

Brilliant Social Event for Utah's Chief Executive Is Magnificent Spectacle.

MILITARY TOUCH ADDED BY ARMY OFFICERS

GOLD BRAID AND BEAUTIFUL GOWNS IN GRAND MARCH FORM DAZZLING PICTURE.

Dazzling brilliancy characterized the inaugural ball of Governor William Spry at the Odéon hall last evening. The gorgeousness of the function was reflected in the beautiful decorations, in the glittering gold braid of the military men, and in the elaborate toilettes of the women who contributed largely to the success of the affair.

More than one thousand people, representative citizens of the state, were presented to Governor William Spry and Mrs. Spry, who met the guests as they entered the hall. Without reference to political party, those who attended the reception and the ball all helped to make the reception a great success by meeting the governor and assuring him of their unqualified support in all that he might do to advance Utah.

From the carriage entrance to the foyer of the reception room, the guests entered under a canopy of dazzling lights. The entrance was draped in American flags and beneath them stood as ushers the commissioned officers of the National Guard of Utah.

The line to the receiving stand was roped off with bunting, and the entire lower floor of the building was a mass of flags and red, white and blue streamers. The receiving stand was masked by a forest of palms and flowering bushes. Back of these plants the guests passed before the receiving stand and met the governor.

### The Receiving Line.

In the receiving line with Governor Spry were Colonel and Mrs. E. M. Heigho, representing Governor James H. Brady of Idaho; C. S. Tingey, secretary of state, and daughter, Henry Gardner, president of the senate, Mrs. Gardner and Miss Gardner, and E. W. Robinson, speaker of the house, and Mrs. Robinson. Introducing the guests in the receiving line were General A. Wedgwood, Lieutenant Colonel Rodney T. Badger, Lieutenant Colonel J. J. Daynes, Jr., Colonel A. P. Kesler and Colonel H. E. Booth, all of Governor Spry's military staff.

Leading from the receiving line the pathway, roped with bunting, continued to the foot of the stairway to the ball room. The decorations of the ball room were, if possible, more beautiful than those of the lower floor. The walls were hung with the national colors and festooning of paper mache extended from a central piece in the ceiling to all corners of the room.

The administration headquarters were in the northwestern corner of the room. Beneath a canopy of flags the governor, surrounded by the members of his personal staff, the officers of the National Guard, and the United States army officers, awaited the guests, who received informally during the dancing.

### Grand March Begins.

Shortly before 10 o'clock the grand march began. Governor Spry and Mrs. Scott led the intricate and beautiful grand march. Following them were the state officers and their wives, the members of the senate, the speaker of the house and members of the legislature and ladies, the staff of Colonel Scott, the staff of Governor Spry, the officers from Fort Douglas, the officers of the National Guard of Utah and then the public.

During the evening refreshments were served in the banquet room, which was prettily decorated.

A most creditable feature of the function was the smoothness with which all the arrangements were carried out. The officers of the National Guard of Utah had direct supervision of the affair, and its success is largely due to their carefully made plans and splendid execution of these arrangements. Every possible convenience for the comfort of the guests was provided and the floor management was perfect.

The music for the dancing was furnished by L. P. Christensen's orchestra, and was the delight of the evening.

### Beautiful Gowns.

In the receiving line the gowns of the ladies were as follows:

Mrs. Spry, pearl gray crepe, hand embroidered over gray meshwork with pearls. Mrs. Heigho, Empire gown of black satin and lace with roses and pearls.

Mrs. Haas, daughter of Mr. Tingey, golden brown messaline frock over taffeta.

Mrs. Gardner, black silk gown with white yoke and sleeves of lace.

Mrs. E. W. Robinson, champagne colored satin Empire gown with gold lace trimmings.

Other noticeable gowns were:

Mrs. W. S. McCormick, black lace gown over white satin with pearls and diamonds.

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## ELEVEN YEARS LATER

Havana, Jan. 25.—On this, the eleventh anniversary of the arrival of the old battleship Maine on her ill-fated mission to Cuban waters, the new Maine, with the still more modern Mississippi following in her wake, sailed into Havana harbor to be present at the inauguration of General Jose Miguel Gomez and the new Cuban government on Thursday next.

This is the first Havana visit of the namesake of the wrecked ship, and her coming excited great interest among all classes of the residents, who lined the harbor walls from La Punta battery, opposite Morro, to Machina wharf, where the two American battleships are moored to anchorages buoyed tonight within a few hundred yards of the tangled mass of steel and the old fighting top, the visible remnants of the ship destroyed Feb. 15, 1898.

The new Maine arrived at 11 a. m., precisely the hour at which the old Maine steamed into the harbor on Jan. 1898. The old Maine saluted the Spanish flag over Morro castle. Today the new Maine, which is the flagship of the third squadron of the Atlantic fleet, commanded by Rear Admiral Arnold, saluted the Cuban pennant flying from the Caballero battery on a high hill overlooking the harbor.